

REMARKS/ARGUMENTS

Claims 1-8, and 9-39 are pending in the present application. Claims 3, 26, 27, 29, and 34 have been amended to better describe the present invention. Claims 38 and 39 have been added.

1. The Examiner did not consider a number of references included in the information disclosure statements filed 9/6/2005 and 9/12/2005 for failing to comply with 37 CFR 1.98(a)(2). Applicants have included more legible copies of the cited references.

2. The Examiner objected to claims 26, 29, and 34 because of informalities. Claims 26, 29, and 34 have been amended to overcome the objection.

3. Claims 26-28, 32 and 33 stand rejected under 35 U.S.C. §102(b) as being anticipated by French (US Patent 4,883,271).

Regarding independent claim 26, Examiner contends that French ('271) discloses all the limitations of these claims. Applicants respectfully traverse the Examiner's rejection in light of the newly amended claim 1.

Examiner contends that French shows a strap having piezoelectric film material attached thereto. Examiner cites Fig 1. (element 22), Fig. 3 (element 22') and Fig. 6 (element 22"). However, as described in French, the elements do not have a strap but is simply a transducer means having "a strip of piezoelectric material". In one instance, the piezoelectric material is laminated with Mylar. The film is then bonded to the surface of a bag 12. (see col. 4 lines 38-55, col. 5, lines 45-48, col. 6, lines 8-11). As further described, the piezoelectric film material is sandwiched between thin metallized layers of electrically conductive metal, such as silver. (see col. 6, line 62 to col. 7, line 7).

Applicants failed to see any teaching or suggestion that the piezoelectric film is attached to strap. To the contrary, French shows the piezoelectric film attached directly to the bags. Applicants further contend that the thin metallized layers do not function as straps, but simply conductive layers. Furthermore, Applicants contend French teaches away from the present invention, because the compliance and flexibility of the bag would necessitate that the piezoelectric material be in intimate contact with the bag, such as being directly attached to the bag, as described.

For the above reasons, Applicants contend that claim 26 is not anticipated by French, and therefore is allowable.

4. Claims 27, 28, 32 and 33 variously depend on independent claim 26, and therefore are not anticipated by French ('271) for at least the reasons provided hereinbefore. It is respectfully submitted that this rejection is now moot.

5. Claims 1, 3, 4, 8, 11, 15-17, and 23-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gysling ('147) in view of French.

Applicants contend that independent claim 1 is allowable over Gysling ('147) in view of French for at least the reason provided herein before.

Claims 3, 4, 8, 11, 15-17, and 23-25 variously depend from claim 1, therefore it is respectfully requested that claims 3, 4, 8, 11, 15-17, and 23-25 be reconsidered and allowed for at least the reasons provided hereinbefore.

6. Newly added dependent claims 38 and 39 variously depend on independent claims 1 and 26, and therefore are not anticipated or obvious for at least the reasons provided hereinbefore, and it is respectfully requested that these claims be allowed.

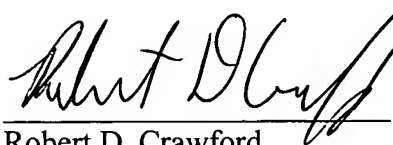
7. Applicants acknowledge that claims 2, 5-7, 12-14, 18-22, and 29-31 and 34-37 would be allowable as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants reserve the right to amend the claims to overcome the objection at the conclusion of the prosecution of the independent claims.

8. In view of the foregoing, it is respectfully requested that the application be reconsidered and allowed. If the Examiner is not prepared to allow all the claims in view of the discussion herein, Applicants hereby respectfully request a phone interview with the Examiner at the Examiner's earliest convenient. Applicants' counsel can be reached at 203-626-3502 (direct dial) between the hours of 8:00 a.m. and 5:00 p.m., or by E-mail at rcrawford@cidra.com.

9. A petition for a three-month extension of time under 37 CFR 1.136 is submitted herewith. A check is enclosed for to cover the fees of **\$100.00** for the additional claims and **\$1020.00** for the three (3) month extension of time. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-0260 Order No. CC-0675.

Respectfully submitted,

Mark R. Fernald et al.

A handwritten signature in black ink, appearing to read "Robert D. Crawford", written over a horizontal line.

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